

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE: : CASE NO. 15-53700-WLH
:
BRENDA K. ROBERTSON, : CHAPTER 7
:
Debtor. :
:

**TRUSTEE’S MOTION FOR AUTHORITY TO PAY BULLSEYE AUCTION &
APPRAISAL, LLC COMMISSION AND EXPENSES IN ACCORDANCE WITH PRIOR
COURT ORDER**

COMES NOW S. Gregory Hays, Chapter 7 Trustee (“**Trustee**”) for Brenda K. Robertson, and hereby files *Trustee’s Motion for Authority to Pay Bullseye Auction & Appraisal LLC in Accordance with Prior Court Order* (the “**Motion**”). In support of the Motion, Trustee respectfully shows as follows:

Jurisdiction and Venue

1. The Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334. Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

Background

a. General Background

2. On February 27, 2015 (the “**Petition Date**”), Brenda K. Robertson (the “**Debtor**”) filed a voluntary petition for relief under Chapter 7 of Title 11 of the United States Code, 11 U.S.C. §§ 101 et seq. (the “**Bankruptcy Code**”) in the United States Bankruptcy Court for the Northern District of Georgia, Atlanta Division (“**Bankruptcy Court**”), initiating Chapter 7 Case No. 15-53700-WLH (the “**Bankruptcy Case**”). Trustee was subsequently appointed the duly

acting Chapter 7 trustee in the Bankruptcy Case and became the permanent Trustee at the conclusion of the Meeting of Creditors.

3. At the commencement of the Bankruptcy Case, all legal and equitable rights of Debtor became property of her bankruptcy estate (the “**Bankruptcy Estate**”), and Trustee was and continues to be the sole representative of the Bankruptcy Estate.

4. On her *Schedule B – Personal Property – Amended* [Doc. No. 249] (“**Schedule B**”), Debtor scheduled her ownership interests in several businesses, including Woodmond Ventures, LLC (“**Woodmond Ventures**”) with \$0.00 values.

5. As of the Petition Date, Debtor held 100% of the membership interests in and to Woodmond Ventures, a State of Georgia limited liability company.

6. On the Petition Date, Woodmond Ventures solely owned the following properties: (1) 7966 Wright Circle, Jonesboro, GA (“**7966 Wright Circle**”); (2) 7958 Wright Circle, Jonesboro, GA (“**7958 Wright Circle**”); (3) 3265 Walt Stephens Road, Jonesboro, GA (“**3265 Walt Stephens**”); and (4) 171 Bay Court, Stockbridge, GA (“**171 Bay Court**”, and collectively, the “**Properties**”).

b. Employment of Scott Schwartz and Bullseye Auction

7. Earlier in this Bankruptcy Case, Trustee received authority from the Court [Doc. No. 245] to employ Scott Schwartz of Bullseye Auction and Appraisal, LLC (“**Bullseye**”) to act as auctioneer for the Bankruptcy Estate. On October 10, 2018, Trustee filed a motion to expand the scope of Bullseye’s employment [Doc. No. 324] so that it could also auction the Properties for

the benefit of the Bankruptcy Estate.¹ On November 14, 2018, the Court entered an order [Doc. No. 330], authorizing Trustee to expand the scope of Bullseye's employment.

c. Motion to Vote Membership Interest

8. On October 3, 2018, Trustee filed *Trustee's Motion for Authority to Vote Membership Interest of Woodmond Ventures, LLC to: (1) Sell Assets of Limited Liability Company; (2) Distribute the Assets of the Limited Liability Company; and (3) Wind-up the Financial Affairs of the Limited Liability Company* [Doc. No. 317] (the "**Motion to Vote**"), seeking an order to, among other things, vote the Bankruptcy Estate's sole membership interest in Woodmond Ventures to: (a) consummate the sale of the Properties; (b) pay all creditors of Woodmond Ventures; (c) wind-up the financial affairs of Woodmond Ventures; and (d) pay all remaining sale proceeds arising from the proposed sale or disposition of the Properties to the Bankruptcy Estate as the 100% owner of Woodmond Ventures.

9. After notice and a hearing, the Court entered an order [Doc. No. 331] granting the Motion to Vote (the "**Order Granting the Motion Vote**").

d. Sale of the Properties

10. After taking appropriate steps in accordance with the Order Granting the Motion to Vote, along with applicable State law, on January 16, 2019, Bullseye auctioned the Properties, and Trustee closed the sales (the "**Sales**") of these properties on February 15, 2019. *See* [Doc. Nos. 347-350].

11. True and correct copies of the closing statements from the Sales are attached hereto and incorporated herein by reference as Exhibit "A." A true and correct copy of an

¹ With the benefit of hindsight, Trustee is not certain that employment of Bullseye was necessary because the properties being sold were not technically property of the Bankruptcy Estate but instead were properties of Woodmond Ventures. Because Bullseye is now employed, Trustee files this Motion out of an abundance of caution.

invoice for the expenses of Bullseye arising from the Sales is attached hereto and incorporated herein by reference as Exhibit “B.”

12. As set forth in the closing statements, the Sale of the Properties has netted \$38,304.36, after payment of the mortgages secured against the Properties and assuming that the Court authorizes the payments proposed in this Motion.

13. Following the closing of the Sales, Campbell & Brannon, LLC (the “**Closing Attorney**”), turned over all remaining sales proceeds, including the amounts owed to Bullseye.

14. Payment to Bullseye of its 10% Commission and the costs of sale is well within the spirit of the relief requested in the Motion to Vote and granted in the Order Granting the Motion to Vote; however, the express language of the Order Granting the Motion to Vote does not authorize these payments.

Relief Requested

15. Out of an abundance of caution, Trustee requests authority to pay (from the remaining sales proceeds) Bullseye \$7,100.00 in commission (or, 10% of the sale price of \$71,000.00) and expenses of \$155.07 from the Sale of 7966 Wright Circle; \$7,300.00 in commission (or, 10% of the sale price of \$73,000.00) and expenses of \$155.06 from the Sale of 7958 Wright Circle; \$8,200.00 in commission (or, 10% of the sale price of \$82,000.00) and expenses of \$155.07 from the Sale of 171 Bay Court; and \$8,700.00 in commission (or, 10% of the sale price of \$87,000.00) and expenses of \$155.06 from the Sale of 3265 Walt Stephens.

Basis for Relief Requested

16. Bullseye has successfully sold the Properties for a total gross amount of \$313,000.00. Following payments to the mortgagees, and the payments proposed herein, the Sales will result in approximately \$38,000.00 of net sale proceeds. This is a good result.

17. Good cause exists for payment of the resulting commission and reimbursement of expenses.

WHEREFORE, Trustee respectfully requests that the Court enter an order:

- (A) Authorizing Trustee to pay Bullseye \$7,100.00 in commission (or, 10% of the sale price of \$71,000.00) and expenses of \$155.07 from the Sale of 7966 Wright Circle; \$7,300.00 in commission (or, 10% of the sale price of \$73,000.00) and expenses of \$155.06 from the Sale of 7958 Wright Circle; \$8,200.00 in commission (or, 10% of the sale price of \$82,000.00) and expenses of \$155.07 from the Sale of 171 Bay Court; and \$8,700.00 in commission (or, 10% of the sale price of \$87,000.00) and expenses of \$155.06 from the Sale of 3265 Walt Stephens; and
- (B) Granting such other and further relief as the Court deems just or appropriate.

Respectfully submitted this 4th day of March, 2019.

ARNALL GOLDEN GREGORY LLP
Attorneys for Trustee

By: /s/ Michael J. Bargar
Michael J. Bargar
Georgia Bar No. 645709
michael.bargar@agg.com

171 17th Street, NW, Suite 2100
Atlanta, GA 30363-1031
Phone: 404-873-7030

EXHIBIT "A" FOLLOWS

Seller's Settlement Statement



CAMPBELL & BRANNON
ATTORNEYS AT LAW

Settlement Date: 02/15/2019
Disbursement Date: 02/15/2019
Settlement Location: 5565 Glenridge Connector, Suite 350, Atlanta, GA 30342
File Number: G190213DM
Lender:
Loan Type: None
Buyer: Mega Investment Group, LLC
1600 Lake Harbin Road
#844
Atlanta, GA 30360
Seller: Woodmond Ventures, LLC, by S. Gregory Hays, as and only as Chapter 7 Trustee for the
Bankruptcy Estate of Brenda K. Robertson, sole member
2964 Peachtree Road NW
Suite 555
Atlanta, GA 30305
Property location: 7966 Wright Circle
Jonesboro, GA 30236
Tax Parcel No: 12046A-A007

	Seller	
	Debit	Credit
Financial Consideration		
Sale Price of Property		71,000.00
Excess Deposit	7,100.00	
Prorations/Adjustments		
County Taxes (\$1243.94) 01/01/19 - 02/15/19	153.36	
Payoffs		
Payoff of First Mortgage Loan to PHH Mortgage Corp.	55,707.22	
Miscellaneous Debits/Credits		
10% commission to be paid to Auction company (Bullseye Auction) by Trustee once order entered	7,100.00	
Reimbursement for expenses to be paid to Auction Company (Bullseye) by Trustee once order entered	155.07	
Subtotals	70,215.65	71,000.00
Balance Due TO Seller	784.35	

Seller's Settlement Statement



CAMPBELL & BRANNON
ATTORNEYS AT LAW

Settlement Date: 02/15/2019
Disbursement Date: 02/15/2019
Settlement Location: 5565 Glenridge Connector, Suite 350, Atlanta, GA 30342
File Number: G190210DM
Lender:
Loan Type: None
Buyer: America Asset Management, LLC
1600 Lake harbin road
844
Morrow, GA 30260
Seller: Woodmond Ventures, LLC by S. Gregory Hays, as and only as Chapter 7 Trustee for the
Bankruptcy Estate of Brenda K. Robertson
2964 Peachtree Road, NW
Suite 555
Atlanta, GA 30305
Property location: 7958 Wright Circle
Jonesboro, GA 30236
Tax Parcel No: 12046A A006

	Debit	Seller Credit
Financial Consideration		
Sale Price of Property		73,000.00
Excess Deposit	7,300.00	
Prorations/Adjustments		
County Taxes (\$1213.22) 01/01/19 - 02/15/19	149.58	
Payoffs		
Payoff of First Mortgage Loan to PHH Mortgage Corp.	57,038.82	
Miscellaneous Debits/Credits		
10% commission to be paid to Auction company (Bullseye Auction) by Trustee once order entered	7,300.00	
Reimbursement for expenses to be paid to Auction Co (Bullseye) once order entered	155.06	
Subtotals	71,943.46	73,000.00
Balance Due TO Seller	1,056.54	

Seller's Settlement Statement



CAMPBELL & BRANNON
ATTORNEYS AT LAW

Settlement Date: 02/15/2019
Disbursement Date: 02/15/2019
Settlement Location: 5565 Glenridge Connector, Suite 350, Atlanta, GA 30342
File Number: G190211DM
Lender:
Loan Type: None
Buyer: Mega Investment Group, LLC
1600 Lake Harbin Road
#844
Morrow, GA 30260
Seller: Woodmond Ventures, LLC by S. Gregory Hays, as and only as Chapter 7 Trustee for the
Bankruptcy Estate of Brenda K. Robertson
2964 Peachtree Road, NW
Suite 555
Atlanta, GA 30305
Property location: 171 Bay Court
Stockbridge, GA 30281
Tax Parcel No: 050A01045000

	Debit	Seller Credit
Financial Consideration		
Sale Price of Property		82,000.00
Excess Deposit	8,200.00	
Prorations/Adjustments		
County Taxes (\$1730.03) 01/01/19 - 02/15/19	213.29	
Payoffs		
Payoff of First Mortgage Loan to PHH Mortgage Corp.	55,850.32	
Miscellaneous Debits/Credits		
10% commission to be paid to Auction company (Bullseye Auction) by Trustee once ordered entered	8,200.00	
Reimbursement for expenses to be paid to Auction Co (Bullseye) by Trustee once order entered	155.07	
Subtotals	72,618.68	82,000.00
Balance Due TO Seller	9,381.32	

Seller's Settlement Statement



CAMPBELL & BRANNON
ATTORNEYS AT LAW

Settlement Date: 02/15/2019
Disbursement Date: 02/15/2019
Settlement Location: 5565 Glenridge Connector, Suite 350, Atlanta, GA 30342
File Number: G190212DM
Lender:
Loan Type: None
Buyer: Mega Investment Group, LLC
1600 Lake Harbin Road
844
Morrow, GA 30260
Seller: Woodmond Ventures, LLC by S. Gregory Hays as and only as Chapter 7 Trustee for the
Bankruptcy Estate of Brenda K. Robertson
2964 Peachtree Road, NW
Suite 555
Atlanta, GA 30305
Property location: 3265 Walt Stephens Road
Jonesboro, GA 30236
Tax Parcel No: 12023D B002

	Seller	
	Debit	Credit
Financial Consideration		
Sale Price of Property		87,000.00
Excess Deposit	8,700.00	
Prorations/Adjustments		
County Taxes (\$2150.20) 01/01/19 - 02/15/19	265.09	
Payoffs		
Payoff of First Mortgage Loan to PHH Mortgage Corp.	73,397.70	
Subtotals	82,362.79	87,000.00
Balance Due TO Seller	4,637.21	

**10% Commission to be paid to Auction company (Bullseye Auction) by Trustee
once ordered entered \$8700.00

Reimbursement for expenses to be paid to Auction Company (Bullseye Auction) by
Trustee once order entered \$155.06

EXHIBIT “B” FOLLOWS

Bullseye Auction & Appraisal, LLC

500 Pike Park Drive, Ste. F
Lawrenceville, GA 30046
(770) 544-7479
merrin@BullseyeAuctions.com
www.BullseyeAuctions.com



INVOICE

BILL TO

Gregory Hays
Hays Financial Consulting, LLC
2964 Peachtree Road NW,
Suite 555
Atlanta, GA 30305

INVOICE # 3338

DATE 02/05/2019

DUE DATE 02/05/2019

TERMS Due on receipt

ACTIVITY	QTY	RATE	AMOUNT
Marketing/Promotion Robertson BK - Investment Properties (Stockbridge & Jonesboro) AuctionZip.com - Online Auction Postings	1	50.00	50.00
Marketing/Promotion Robertson BK - Investment Properties (Stockbridge & Jonesboro) The Local Sign Man - Advertising Signs	1	300.00	300.00
Marketing/Promotion Robertson BK - Investment Properties (Stockbridge & Jonesboro) Property Blast - Eblast Advertising	1	34.95	34.95
Marketing/Promotion Robertson BK - Investment Properties (Stockbridge & Jonesboro) USPS - Overnighting Earnest Money	1	6.70	6.70
Marketing/Promotion Robertson BK - Investment Properties (Stockbridge & Jonesboro) Direct Mail/Postage	1	228.61	228.61

Please mail payments to:
Bullseye Auction & Appraisal, LLC
500 Pike Park Drive
Suite F
Lawrenceville, GA 30046

BALANCE DUE

\$620.26

We greatly appreciate your business and look forward to working with you again soon!

Please mail payments to:
Bullseye Auction & Appraisal, LLC
500 Pike Park Drive | Suite F
Lawrenceville, GA 30046

CERTIFICATE OF SERVICE

The undersigned certifies that on the date set forth below, I caused to be served the foregoing *Trustee's Motion for Authority to Pay Bullseye Auction & Appraisal LLC in Accordance with Prior Court Order* by first class U.S. mail, postage prepaid, upon the entities identified below at the addresses stated:

Office of the United States Trustee
362 Richard B. Russell Federal Building
75 Ted Turner Drive, SW
Atlanta, GA 30303

S. Gregory Hays
Hays Financial Consulting, LLC
Suite 555
2964 Peachtree Road
Atlanta, GA 30305

Brenda Kay Robertson
78 Wall Street
Hampton, GA 30228

Katherine J. Hill
Hicks Hill, LLC
Suite 210
305 Lawrence Street
Marietta, GA 30060

Beth E. Rogers
Rogers Law Offices
100 Peachtree Street
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Atlanta, GA 30303

Aaron J. Nash, Esq.
Evans Petree PC
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Suite 200
Memphis, TN 38120-4036

Robert W. Scholz
Evans, Scholz, Williams & Warncke, LLC
3490 Piedmont Road NE,
Suite 1200
Atlanta, GA 30305

Robert J. Fehse
Evans Petree PC
1715 Aaron Brenner Drive, Suite 800
Memphis, TN 38120

This 4th day of March, 2019.

/s/ Michael J. Bargar
Michael J. Bargar
Georgia Bar No. 645709